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April 11, 2014

Ms. Carlotta Stauffer, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0850

Dear Ms. Stauffer:

RE: Docket No. 130202-EI

Attached herein is Gulf Power Company's Objections to Sierra Club's First Set of Interrogatories (Nos. 1-26).

Sincerely,

A handwritten signature in black ink that reads "Robert L. McGee, Jr." in a cursive style.

Robert L. McGee, Jr.

md

Attachments

cc:      Beggs & Lane  
            Jeffrey A. Stone

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric  
conservation goals (Gulf Power Company).

Docket No.: 130202-EI  
Filed: April 11, 2014

**GULF POWER COMPANY'S OBJECTIONS TO  
SIERRA CLUB'S FIRST SET OF INTERROGATORIES (1-26)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter, Gulf Power Company ("Gulf") hereby serves its objections to Sierra Club's First Interrogatories to Gulf Power Company (Nos. 1-26, and respectively, and together "the Requests") and states as follows:

**GENERAL OBJECTIONS**

With respect to any "Definitions" and "Instructions" in Sierra Club's Interrogatories, Gulf objects to any definitions or instructions that are inconsistent with Gulf's discovery obligations under applicable rules. If some question arises as to Gulf's discovery obligations, Gulf will comply with applicable rules and not with any of Sierra Club's definitions that are inconsistent with those rules. Gulf also objects to any request that calls for information that is not within the scope of discovery under the applicable rules and law. Furthermore, Gulf objects to any definition or request that seeks to encompass persons or entities other than Gulf, including Gulf's parent company or affiliates, who are not parties to this action and thus are not subject to discovery. No responses to the requests will be made on behalf of persons or entities other than Gulf. Gulf objects to any request that calls for Gulf to perform analyses that it has not otherwise performed in support of its case and would not normally perform in the ordinary course of its business because there is no such requirement under the applicable rules and law.

Additionally, Gulf generally objects to Sierra Club's requests to the extent that they call for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law. Gulf will provide a privilege log in accordance with the applicable law or as may be agreed to by the parties to the extent, if at all, that any request calls for the production of privileged or protected information.

Further, in certain circumstances, Gulf may determine upon investigation and analysis that information responsive to certain requests to which objections are not otherwise asserted is confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to provide such information in response to such a request, Gulf is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement, protective order, or the procedures otherwise provided by law or in the Order Establishing Procedure. Gulf hereby asserts its right to require such protection of any and all information that may qualify for protection under the Florida Rules of Civil Procedure, the Order Establishing Procedure, and all other applicable statutes, rules and legal principles.

Gulf generally objects to Sierra Club's interrogatories to the extent that they call for the production of documents on the ground that such a request is beyond the scope of Rule 1.340 of the Florida Rules of Civil Procedure.

By making these general objections at this time, Gulf does not waive or relinquish its right to assert additional general and specific objections to Sierra Club's discovery at the time Gulf's response is due under the Florida Rules of Civil Procedure and the Order Establishing Procedure. Gulf provides these general objections at this time to comply with the intent of the

Order Establishing Procedure to reduce the delay in identifying and resolving any potential discovery disputes.

### **SPECIFIC OBJECTIONS**

**Interrogatory SC 1-1:** Gulf objects to this interrogatory as irrelevant to the issues in this proceeding and not reasonably likely to lead to the discovery of relevant evidence. Gulf further objects to this interrogatory to the extent it requests information from 2008 – 2012, as such timeframe is not relevant to the issues in this proceeding. Subject to these objections, and without waiving said objections, and without waiving the right to challenge the admissibility of the information at the hearing for this proceeding, Gulf will provide the information to the extent it is available.

**Interrogatory SC 1-2:** Gulf objects to this interrogatory as irrelevant to the issues in this proceeding and not reasonably likely to lead to the discovery of relevant evidence. Subject to these objections, and without waiving said objections, and without waiving the right to challenge the admissibility of the information at the hearing for this proceeding, Gulf will provide the information to the extent it is available.

**Interrogatory SC 1-3:** Gulf objects to this interrogatory because the term “DSM programs” is vague and ambiguous. DSM programs are not at issue in this goals setting proceeding.

**Interrogatory SC 1-4:** Gulf objects to this interrogatory because the term “DSM programs” is vague and ambiguous. DSM programs are not at issue in this goals setting proceeding.

**Interrogatory SC 1-5:** Gulf objects to this interrogatory as irrelevant to the issues in this proceeding and not reasonably likely to lead to the discovery of relevant evidence. Subject to these objections, and without waiving said objections, and without waiving the right to challenge

the admissibility of the information at the hearing for this proceeding, Gulf will provide the information to the extent it is available.

**Interrogatory SC 1-6:** Gulf objects to this interrogatory as irrelevant to the issues in this proceeding and not reasonably likely to lead to the discovery of relevant evidence. Subject to these objections, and without waiving said objections, and without waiving the right to challenge the admissibility of the information at the hearing for this proceeding, Gulf will provide the information to the extent it is available.

**Interrogatory SC 1-7:** Gulf objects to this interrogatory because the terms “DSM plans” and “programs” are vague and ambiguous. DSM plans and programs are not at issue in this goals setting proceeding. Gulf further objects to this interrogatory on the ground that it directs Gulf to conduct cost-effectiveness analyses, or to do work for Sierra Club, which Gulf has not otherwise performed in support of its case and would not normally perform in the ordinary course of its business because there is no such requirement under the applicable rules and law. Gulf also objects on the ground that performing the requested analysis would be unduly burdensome, particularly with respect to the Utility Cost test.

**Interrogatory SC 1-8:** Gulf objects to this interrogatory because the terms “DSM plans” and “programs” are ambiguous. DSM plans and programs are not at issue in this goals setting proceeding. Gulf further objects to this interrogatory on the ground that it directs Gulf to conduct cost-effectiveness analyses, or to do work for Sierra Club, which Gulf has not otherwise performed in support of its case and would not normally perform in the ordinary course of its business because there is no such requirement under the applicable rules and law. Gulf also objects on the ground that performing the requested analysis would be unduly burdensome, particularly with respect to the Utility Cost test.

**Interrogatory SC 1-9:** Gulf objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about Gulf affiliates and parent company that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of Gulf as the party to this proceeding. Gulf further objects to interrogatory number 1-9 because the requested information for Gulf affiliates and parent company is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding. Gulf, accordingly, will respond to interrogatories only on behalf of Gulf and not on behalf of persons or entities that are not parties to this proceeding.

**Interrogatory SC 1-10:** Gulf objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about Gulf affiliates and parent company that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of Gulf as the party to this proceeding. Gulf further objects to interrogatory number 1-10 because the requested information for Gulf affiliates and parent company is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding. Gulf, accordingly, will respond to interrogatories only on behalf of Gulf and not on behalf of persons or entities that are not parties to this proceeding.

**Interrogatory SC 1-11:** Gulf objects to this interrogatory because the terms “DSM plan” and “programs” are vague and ambiguous. DSM plans and programs are not at issue in this goals setting proceeding.

**Interrogatory SC 1-12:** Gulf objects to this interrogatory because the terms “DSM plan” and “programs” are vague and ambiguous. DSM plans and programs are not at issue in this goals setting proceeding.

**Interrogatory SC 1-13:** Gulf objects to this interrogatory because the term “DSM programs” are vague and ambiguous. DSM programs are not at issue in this goals setting proceeding.

**Interrogatory SC 1-14:** Gulf objects to this interrogatory because the terms “DSM plan” and “program” are ambiguous. DSM plans and programs are not at issue in this goals setting proceeding. Gulf further objects to this interrogatory on the ground that it directs Gulf to conduct cost-effectiveness analyses, or to do work for Sierra Club, which Gulf has not otherwise performed in support of its case and would not normally perform in the ordinary course of its business because there is no such requirement under the applicable rules and law. Gulf also objects on the ground that performing the requested analysis would be unduly burdensome. Gulf’s existing cost-effectiveness modeling tools are not programmed to calculate cost-effectiveness using the Utility Cost test, as Gulf is not required to perform such analyses under the Florida Public Service Commission’s cost-effectiveness rules. Compliance with this request would require Gulf to develop software programming and would result the expenditure of hundreds of man-hours.

**Interrogatory SC 1-15:** Gulf objects to this interrogatory because the term “DSM plan” and “programs” are vague and ambiguous. DSM plans and programs are not at issue in this goals setting proceeding. Moreover, Gulf reiterates its objection regarding the Utility Cost test.

**Interrogatory SC 1-18:** Gulf objects to this interrogatory on the grounds that it is vague and overbroad as written. Read literally, this request could encompass every document concerning energy efficiency potential which Gulf has ever created or reviewed. Compliance with such a

request would be unduly burdensome. Notwithstanding these objections, Gulf is willing to provide any non-privileged analyses regarding economic and achievable potential for energy efficiency which were prepared or used by Gulf for purposes of the present goal setting proceeding.

**Interrogatory SC 1-20:** Gulf objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about Gulf affiliates that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of Gulf as the party to this proceeding. Gulf further objects to this interrogatory because the requested information for Gulf affiliates is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding.

**Interrogatory SC 1-21:** Gulf objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about Gulf affiliates that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of Gulf as the party to this proceeding. Gulf further objects to this interrogatory because the requested information for Gulf affiliates is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding.

**Interrogatory SC 1-22:** Gulf objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about Gulf affiliates that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of Gulf as the party to this proceeding. Gulf further objects to this interrogatory because



the requested information for Gulf affiliates is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding.

**Interrogatory SC 1-23:** Gulf objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about Gulf affiliates that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of Gulf as the party to this proceeding. Gulf further objects to this interrogatory because the requested information for Gulf affiliates is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding.

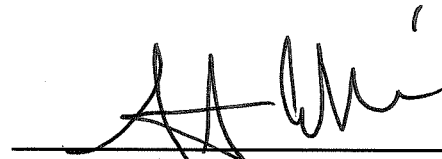
**Interrogatory SC 1-24:** Gulf objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about Gulf affiliates that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of Gulf as the party to this proceeding. Gulf further objects to this interrogatory because the requested information for Gulf affiliates is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding.

**Interrogatory SC 1-25:** Gulf objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about Gulf affiliates that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of Gulf as the party to this proceeding. Gulf further objects to this interrogatory because

the requested information for Gulf affiliates is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding.

**Interrogatory SC 1-26:** Gulf objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about Gulf affiliates that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of Gulf as the party to this proceeding. Gulf further objects to this interrogatory because the requested information for Gulf affiliates is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding.

Respectfully submitted this 11<sup>th</sup> day of April, 2014.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Commission review of numeric  
conservation goals )

Docket No.: 130202-EI

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was furnished by electronic mail this 11th day of April, 2014 to the following:

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